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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,304	12/19/2001	Rongxiang Hu	01-377/LSI1P180	3359

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LSI LOGIC CORPORATION
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EXAMINER

TRINH, HOA B

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,304

Applicant(s)

HU ET AL.

Examiner

Vikki H Trinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 6-9, 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 15 and 16 is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3, 10-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Admitted Prior Art (APA), specification, pages 3-4, and figures 1-4.

APA discloses a method having the following steps:

As to claim 1, etching a first aperture in the dielectric 202 (step 116); forming a poison barrier layer 212 over part of the dielectric (step 114), which prevents resist poisoning; forming a patterned mask 220 over the poison barrier layer 204 (step 108); and etching a second aperture 304 into the low-K dielectric layer 204 (step 136), wherein at least part of the first aperture 304, 416 shares the same area as at least part of the second aperture 304, 416. See figures 1-4.

As to claim 2, one aperture 304 is within another aperture 416. See figure 4.

As to claim 3, the first aperture is a via 304 and the second aperture is a trench 416 wherein the via is within the trench. See figure 4.

As to claim 10, the dielectric is a low-K dielectric. See page 3, lines 11-15.

As to claim 11, placing a copper diffusion barrier layer over surfaces of the first aperture and second aperture (step 152). See figure 1.

As to claim 12, filling the first aperture and second aperture with copper (step 152). See figure 1.

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As to claim 13, one aperture 304 is within another aperture 416. See figure 4.

As to claim 14, the first aperture is a via 304 and the second aperture is a trench 416, wherein the via is within the trench. See figure 4.

Response to Arguments

3. Applicant's arguments filed 06/10/03 have been fully considered but they are not persuasive.

In the remarks, applicants allege that APA does not disclose a poison barrier layer, because applicants describe "a poison barrier layer" on page 8 of the specification to be "a poison barrier layer is a layer that forms a barrier that blocks nitrogen, which has a base quality thus providing a nitrogen barrier that provides a resist poisoning barrier layer". Applicants continue to allege that on page 3, line 27, applicants state in the application to describe the "nitrogen poisoning that causes unwanted photoresist residue and that the nitrogen poisoning may come from nitrogen from the inorganic ARC and the silicon carbide barrier layer". Yet, applicants fail to state those limitations, as described in the above, for the poison barrier layer. Thus layer 212 of APA meets the language for the limitation of the present claim 1. Consequently, dependent claims 2-3, 10-14 also fail to overcome APA reference.

Allowable Subject Matter

4. Claims 4-5 and 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose the step of plasma treating the surface of the first aperture so as to

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oxidize the surface of the aperture, thereby neutralizing the nitrogen on the surface, and other steps in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

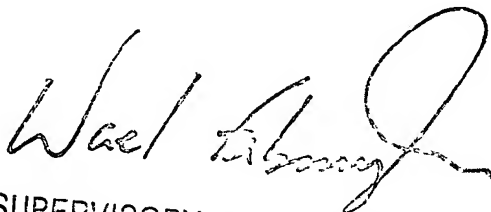
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Vikki Trinh whose telephone number is (703) 308-8238. The Examiner can normally be reached Mon-Tuesday, Thurs-Friday, 7:30 AM - 6:00 PM Eastern

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Time. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Wael Fahmy, can be reached at (703) 308-4918. General inquiries relating to the status of this application should be directed to the Group receptionist at (703) 308-0858. The fax number is (703) 308-2708.

Vikki Trinh,
Patent Examiner
AU 2814


SUPERVISORY PRIMARY EXAMINER
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